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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF H₂O, INC., FOR AN EXTENSION OF
ITS EXISTING CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02234A-00-0371

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. DBA
JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER AND WASTEWATER
SERVICE TO THE PUBLIC IN THE
DESCRIBED AREA IN PINAL COUNTY,
ARIZONA.

DOCKET NO. WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. DBA
JOHNSON UTILITIES COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER AND WASTEWATER
SERVICE TO THE PUBLIC IN THE
DESCRIBED AREA IN PINAL COUNTY,
ARIZONA.

DOCKET NO. WS-02987A-00-0618

Arizona Corporation Commission

DOCKETED

MAR 10 2005

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF DIVERSIFIED WATER UTILITIES,
INC. TO EXTEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02859A-00-0774

1
2 IN THE MATTER OF THE APPLICATION
3 OF QUEEN CREEK WATER COMPANY
4 TO EXTEND ITS CERTIFICATE OF
5 CONVENIENCE AND NECESSITY.

DOCKET NO. W-01395A-00-0784

6
7 **MOTION TO CONSOLIDATE**

8 Diversified Utilities, Inc. ("Diversified") respectfully moves to consolidate its
9 application to amend Decision 63960 with the pending applications for certificate of
10 convenience and necessity filed in docket numbers W-02859A-04-0844 and WS-02987A-04-
11 0869 for purposes of hearing. Presently, the above captioned matters are pending before the
12 Commission and all involve the issue of the certificated provider of water services for all or a
13 portion of the same area. The pending applications afford the Commission alternatives on
14 how to handle the matter. Under one alternative, an existing decision may be amended based
15 upon the fact that the Skyline Domestic Water Improvement District has been rescinded and
16 declared void *ab initio* by the Board of Supervisors (the sole reason cited in Decision 63960
17 for leaving the area uncertificated). The other alternative is for the Commission to proceed as
18 if on new applications. However, the docket developed in Decision Number 63960 is still
19 relevant to such a determination.
20


21 At the procedural conference conducted March 7, 2005 in docket numbers W-
22 02859A-04-0844 and WS-02987A-04-0869, Administrative Law Judge Dwight D. Nodes
23 indicted that due to the lapse of time following Decision Number 63960, it would likely be
24 appropriate to hold an evidentiary hearing whether the matter was treated as an application to
25 amend Decision Number 63960 or as a new CC&N application. At the Procedural

1 Conference, Diversified noted that A.R.S. § 40-252 does not require an evidentiary hearing
2 and suggested that it would be appropriate for the Commission first to consider the
3 Application To Amend Decision Number 63960 and then to proceed on the applications for
4 new certificates of convenience and necessity only if the application to amend was not
5 granted.
6

7 In an effort to simplify the matter and to avoid delays in processing all the
8 pending matters, with due consideration of ALJ Nodes concerns regarding the need for an
9 evidentiary hearing, and to provide an efficient method to address all issues without a
10 duplication of proceedings, Diversified hereby respectfully requests that its Application To
11 Amend Decision Number 63960 be consolidated with docket numbers W-02859A-04-0844
12 and WS-02987A-04-0869 for hearing. This consolidation will not require any delay or
13 change in the procedural schedule for docket numbers W-02859A-04-0844 and WS-02987A-
14 04-0869, but will afford the Commission the opportunity to determine, based upon an
15 evidentiary record, whether to treat this matter as an Application To Amend Decision
16 Number 63960 or as new applications for certificates of convenience and necessity.
17
18

19 RESPECTFULLY SUBMITTED this 10th day of March, 2005.

20 CURTIS, GOODWIN, SULLIVAN,
21 UDALL & SCHWAB, P.L.C.

22 By: 
23 William P. Sullivan, Esq.
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Attorneys for Diversified Water Utilities, Inc.

1
2 PROOF OF AND CERTIFICATE OF MAILING

3 I hereby certify that on this 10th day of March, 2005, I caused the foregoing
4 document to be served on the Arizona Corporation Commission by delivering the original and twenty
5 three (23) copies of the above to:

6 Docket Control
7 Arizona Corporation Commission
8 1200 West Washington
9 Phoenix, Arizona 85007

10 With copies of the foregoing mailed and/or
11 hand-delivered this 10th day of March, 2005 to:

12 Dwight D. Nodes, Administrative Law Judge
13 Arizona Corporation Commission
14 1200 West Washington Street
15 Phoenix, Arizona 85007

16 Jason Gellman
17 Legal Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Ernest Johnson, Director
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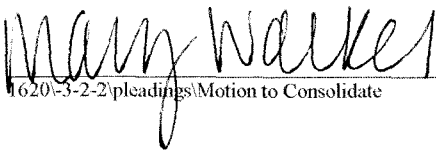
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1620-3-2-2\pleadings\Motion to Consolidate